

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

ORIGINAL

In the matter of
Amendment of §73.202(b)
Table of Allotments
FM Broadcast Stations

)
) RECEIVED

RM No. _____

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FILE

MAR 13 1992

Clearwater, Kansas
FM Channel 254A

) Federal Communications Commission
) Office of the Secretary

PRM192MM

To: Chief, Allocations Branch, Policy and Rules Division

PETITION FOR RULEMAKING

Gary Violet ("Violet"), permittee of a new FM station, Clearwater, KS, Channel 254A, hereby submits a Petition For Rulemaking requesting the Commission to amend Section 73.202(b) of the Commission's Rules, 47 C.F.R. §73.202(b), to upgrade Channel 254A at Clearwater, KS to Channel 254C2. In support of this request, Petitioner submits the following:

1. Petitioner is the permittee of a new FM station, Channel 254A at Clearwater, KS. The proposed amendment to the Table of Allotments to upgrade the channel to 254C2 would meet all of the Commission's spacing requirements and be in full compliance with the Commission's Rules. Violet proposes two options. Option #1 is to substitute Channel 254C1, Rozel, KS with Channel 235C1, which also would allow for the reallocation of Channel 254A to Rozel, KS. */

*/ Violet has filed a request with the FM Branch to cancel the construction permit of KGZE(FM), Rozel, KS. The original permit for Channel 254A expired long before the channel was upgraded to Channel 254C1. The permittee, has not filed an application to modify the construction permit to operate on 254C1, within the 90 days specified in the Report & Order.

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Option #2 requests the downgrade of Channel 254C1, Rozel, KS to the original allotment of Channel 254A. Attached hereto is an Engineering Statement which shows that, from the proposed site (N37-28-49, W 97-39-42), the Commission's spacing requirements would be satisfied.

2. The upgrading of Channel 254A at Clearwater, KS to Channel 254C2 will serve the public interest by allowing the new FM station to significantly expand its cover area and provide a wide-area service to Clearwater, KS.

3. Under Option #1, the substitution of Channel 254C1 with Channel 235C1 will allow an equivalent FM channel to serve Rozel, KS. Furthermore, the substitution would allow the Commission to allot Channel 254A to Rozel, KS as a second FM frequency. The proposed upgrade to Channel 254C2, Clearwater, KS meets all of the Commission's spacing requirements to the original allotment of Channel 254A, Rozel, KS. The proposed allotment of Channel 235C1, Rozel, KS meets all of the Commission's spacing requirements. The short-spacing to a construction permit for KICT-FM, Channel 236C, Wichita, KS was eliminated when KICT-FM forfeited its construction permit on March 22, 1991 and the was later downgraded from Channel 236C to Channel 236C1. See Appendix to Report & Order, DA 91-1102, released September 5, 1991.

4. If the FM Branch considers the permit of KGZE(FM) still valid, Petitioner would as a pre-condition to applying for and receiving a construction permit, pledge to reimburse KGZE(FM)

for its reasonable and prudent expenses for changing its frequency.

5. Under Option #2, the Commission could downgrade Channel 254C1, Rozel, KS to the original allotment of Channel 254A. Attached hereto is an Engineering Statement which shows that the upgrade from Channel 254A to 254C1, from the proposed site (N37-28-49, W 97-39-42) meets the Commission's spacing requirements, with one exception. The proposal is short-spaced to KGZE(FM) Channel 254C1, Rozel, KS. However, KGZE(FM) let its original construction permit (BPH-890217MP) expire on June 28, 1991, without any request for extension or reinstatement. Later, the FCC granted a petition to upgrade Channel 254A, Rozel, KS to Channel 254C1. See Report & Order, 6 FCC Rcd 6116 (1991), released November 1, 1991. The proposed upgrade to Channel 254C2, Clearwater, KS meets all of the Commission's spacing requirements to the original allotment of Channel 254A, Rozel, KS and the construction permit of KGZE(FM).

6. Lee Scott, the Petitioner and permittee of KGZE(FM), has let his original construction permit expire and has not filed an application (FCC Form 301) to modify the construction permit to operate on 254C1, within the 90 days specified in the Report & Order. Therefore, Violet proposes to downgrade the Channel 254C1 to Channel 254A. This proposal will serve the public interest by allowing the new FM station to significantly expand its cover area and provide a wide-area service to Clearwater, KS while maintaining an FM Channel for Rozel, which could open for new applications after the FM Branch cancels the

construction permit.

7. Therefore, it is respectfully requested that the Commission issue a Notice of Proposed Rulemaking to amend Section 73.202(b) of the Rules as follows:

§73.202(b) TABLE OF ALLOTMENTS

Option 1

Present:	KANSAS	Proposed:	KANSAS
	Clearwater 254A		Clearwater 254C2
	Rozel 254C1		Rozel 235C1, 254A


Option 2

Present:	KANSAS	Proposed:	KANSAS
	Clearwater 254A		Clearwater 254C2
	Rozel 254C1		Rozel 254A

WHEREFORE, the premises considered, Petitioner respectfully requests that the Commission's Rules be amended to upgrade Channel 254A at Clearwater, KS to Channel 254C2.

Respectfully Submitted,

GARY VIOLET

By: /s/  Donald E. Johnson
Donald E. Johnson

BLAIR JOYCE & SILVA

1825 K Street, N. W.
Washington, D. C. 20006


March 13, 1992

Attorneys

CERTIFICATE OF SERVICE

I, Snowdeen Dove, do hereby certify that I mailed, postage pre-paid, on March 13, 1992 the following Petition For Rulemaking to the following:

Lee Scott
Box 125
Rozel, KS 67574
Permittee of KGZE(FM)


/s/ Snowdeen Dove
Snowdeen Dove

GARY L. VIOLET
PETITION TO AMMEND THE FM TABLE OF ALLOTMENTS
UP-GRADING THE ALLOTMENT FOR CLEARWATER, KANSAS
TO CLASS C2 OPERATION ON CHANNEL #254

FEBRUARY 28, 1992

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ENGINEERING STATEMENT

EXHIBIT #1	CLEARWATER, KS. CH.#254C2 SPACING STUDY
EXHIBIT #2	ROZEL, KS. CH.#235C1 SPACING STUDY

LARRY P. WAGGONER

Broadcast Technical Consultant

1712 VALLEYVIEW CT. • WICHITA, KS 67212 • (316) 722-3726

February 28, 1992

ENGINEERING STUDY

I, Larry P. Waggoner, have been retained to prepare this Engineering Study in support of Gary L. Violet's petition for rule making to amend the FM Table of Allotments, Section 73.202(b) of the FCC Rules, reference the allotment to Clearwater, Kansas. The change requested is to up-grade Channel 254A to Channel 254C2.

Exhibit #1 is a Class C2 spacing study made from a reference point 14 kilometers southwest of the city of Clearwater. There are many possible tower sites which would comply with the Class C2 spacing requirements and provide signals in excess of city grade over the entire community with no terrain blockage. The distance to the city grade or 3.16 mv/m contour for Class C2 operation would exceed 32 kilometers.

Exhibit #1 shows that Channel #254C2 can be assigned to Clearwater, Kansas and be in compliance with all FCC regulations, with one exception. This proposal is short spaced to KGZE(FM) Channel #254C1, Rozel, Kansas. The FCC granted a petition to upgrade Channel #254A, Rozel, Kansas to Channel 254C1 (See Report and Order, 6 FCC Rcd 6116 (1991), released November 1, 1991. The original construction permit for KGZE(FM), Channel 254A expired on June 28, 1991, without any request for extension or reinstatement. 1/ Lee Scott, the petitioner and permittee of KGZE(FM), has not filed an application (FCC Form #301) to modify the construction permit within the 90 days specified in the Report and Order.

Exhibit #1 shows that if the current Channel #254C1 allotment is downgraded to Channel #254A, Violet's proposal will be in compliance with all the FCC spacing requirements, to either the original KGZE(FM) site or to the reference coordinates for the Rozel allotment.

Alternatively, Exhibit #2 shows the substitution of Channel #254C1, Rozel, Kansas with Channel #235C1, Rozel, Kansas. Spacing Studies were conducted using the Rozel, Kansas Class C1 reference point (N38°20'00"-W99°40'00"). This reference point, and site restriction, is located 27.45 kilometers northwest of the city of Rozel (N38°11'42"-W99°24'24"). Exhibit #2 shows that Channel #235 meets all of the Commission's spacing requirements for Class C1 operation from the above reference point. The only short spacing shown by the exhibit is to the forfeited Class C construction permit

1/ Violet has filed a request with the FM Branch to cancel the construction permit of KGZE(FM) and a return to Channel #254A, Rozel, Kansas.

for KICT-FM, Channel #236 in Wichita, Kansas (BPH-860123IE).
The above referenced permit was forfeited on March 22, 1991,
after expiring on August 24, 1988. 2/

The Table of Allotments 72.202(b) would be changed as
follows:

Option #1

Present:	KANSAS	Proposed:	KANSAS
	Clearwater 254A		Clearwater 254C2
	Rozel 254C1		Rozel 254A

Option #2

Present:	KANSAS	Proposed:	KANSAS
	Clearwater 254A		Clearwater 254C2
	Rozel 254C1		Rozel 235C1, 254A

This Engineering Report was prepared by me and all statements
are true and accurate to the best of my knowledge and
ability.



Larry P. Waggoner
Broadcast Technical Consultant
1712 Valleyview Court
Wichita, Kansas 67212-1245
316-722-3726

FM Spacing study

Title: Clearwater, KS.
Channel 254C2 (98.7 Hz)
Database: DW 01/29/92

Latitude: 37-23-31
Longitude: 97-35-55
Safety zone: 65 km

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
City of Licene	St	FCC File no.	Freq	EAH-m	Longitude	-from	(km)	(km)
KBCU	LIC	BETHEL COLLEGE	*201A	.15	38-04-26	16.4	79.00	15
NORTH NEWTON	KS	BLED-890413K	88.1	17	97-20-35	196.6	63.97	CLEAR
KHHS	LIC	UNIFIED SCHOOL DISTRICT	*201D	.01	38-21-13	18.0	112.4	
HILLSBORO	KS		88.1		97-11-56	198.3		
ALLOC			251C1		37-22-50	270.6	252.7	79
COPELAND	KS	DOC-89-556	98.1		100-27-05	88.9	173.7	CLEAR
SITE RESTRICTION 14.8 MI SE; Granted effective 02/11/91, adopted 12/07/90, released 12/26/90								
KOCD	LIC	SATURN COMMUNICATIONS IN	252A	3	37-14-47	92.8	253.2	55
COLUMBUS	KS	BLH-830105AD	98.3	91	94-44-52	274.5	198.2	CLEAR
Deletion propoed; ORDERED TO 287C3; Network: MBS; Was KSSC-FM 01/12/90 per FCC release #126 dated 01/6/90; Affiliated with KWA(AM)								
KSAJ-FM	LIC	KABI INCORPORATED	253C1	100	38-47-50	12.0	159.5	158
ABILENE	KS	BLH-850401LA	98.5	135	97-13-01	192.8	1.53	CLOSE
Was KABI-FM 04/01/85; Affiliated with KABI(AM)								
KVOO-FM	LIC	TULSA GREAT EMPIRE BCG I	253C	100	36-11-26	134.5	189.0	188
TULSA	OK	BLH-880420K	98.5	374	96-05-50	315.4	1.03	CLOSE
Was KUSO 05/21/88; Affiliated with KVOO(AM)								
NEW	CP	GARY L. VIOLET	254A	6	37-28-49	300.5	11.28	166
CLEARWATER	KS	BPH910412MD	98.7	100	97-39-42	150.4	-155	SHORT
Amended 07/03/91; Received per FCC release #14978 dated 04/22/91, tendered per 15006 dated 06/03/91, accepted per NA-149 dated 07/30/91								
ALLOC			254A		37-27-21	23.7	7.75	166
CLEARWATER	KS	DOC-90-454	98.7		97-33-48	203.7	-158	SHORT
SITE RETRICTION 4.5 MI SW; Granted effective 03/11/91, adopted 01/10/91, released 01/23/91; Filing window 03/12-04/11/1 **CLOSED** ; DOC-90-454								

FM Spacing study

Title: Clearwater, KS.
Channel 254C2 (98.7 MHz)Latitude: 37-23-31
Longitude: 97-35-55

Cal	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
City of License	St	FCC File no.	Freq	EAH-m	Longitude	-from	(km)	(km)
ALLOC			254A		38-11-42	300.5	173.7	166
ROZEL	KS	DOC-87-299	98.7		99-24-24	119.4	7.740	CLOSE
Granted 1/17/89, Filing window 01/19-02/17/89 **CLOSED**								
KGZE	CP	LEE E SCOTT	254A	0.50	38-11-38	300.6	173.1	166
ROZEL	KS	BPH-890217MP	98.7	30	99-23-57	119.5	7.100	CLOSE
Deletion proposed; ORDERED to 254C1;								
CP Granted 12/28/89 per FCC release #20769 dated 01/18/90								
CP expired 06/28/91								
KGZE	ORD	LEE E SCOTT	254C1		38-20-00	300.6	209.9	224
ROZEL	KS	DOC-91-23	98.7		99-40-00	119.3	-14.2	SHORT
ORDERED FROM 254A; Report and Order dated 11/01/91								
KUSN	LIC	KGGF-KQQF, INCORPORATED	255A	6	37-06-28	100.2	169.4	106
COFFEYVILLE	KS	BH-900831KB	98.9	93	95-43-22	281.3	63.39	CLEAR
Was KQQF 08/12/91 per FCC release #164 dated 08/09/91;								
License Granted 06/06/91 per FCC release #21132 dated 06/11/91;								
Ant: Harris FMXL-6E; affiliated with KGGF(AM)								
KYIS	LIC	TOM PARRISH, RECEIVER	255C	100	35-33-36	177.1	203.5	188
OKLAHOMA CITY	OK	BLH-840423CW	98.9	335	97-29-07	357.2	15.54	CLEAR
Network: AP; as KZBS 09/04/91 per FCC release #167 dated 09/20/91								
KBUZ	LIC	NEW LIFE FELLOWSHIP, INC.	256C2	42	37-48-11	50.9	72.8	58
EL DORADO	KS	BLH-891030KD	99.1	157	96-57-24	231.3	14.77	CLOSE
Deletion proposed; ORDERED TO 256C1; Was KSPG-FM 01/11/88;								
License Granted 03/20/90 per FCC release #2819 dated 03/29/90;								
Affiliated with KSPG(AM)								
KBUZ	CP	NEW LIFE FELLOWSHIP, INC.	256C1	100	37-56-22	41.2	81.2	79
EL DORADO	KS	BMPH-910101A	99.1	188	96-59-20	221.6	2.16	CLOSE
ORDERED FROM 256C2; TDF; Amended 09/09/91; Was KSPG-FM 01/11/88;								
Affiliated with KSPG(AM)								
KLOR-FM	LIC	PIONEER COMMUNICATIONS I	257A	3	36-46-59	145.2	82.3	55
PONCA CITY	OK	BLH-801231AL	99.3	88	97-04-15	325.5	27.27	CLEAR
Network: CBS								

>> End of channel 254C2 study <<

FM Spacing study

Title: Rozel KS
Channel 235C1 (94.9 MHz)
Database: DW 01/29/92

Latitude: 38-20-00
Longitude: 99-40-00
Safety zone: 100 km

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
City of License	St	FCC File no.	Fre	EAH-m	Longitude	-from	(km)	(km)
ALLOC			232A		37-38-48	118.8	156.2	75
KINGMAN	KS	DOC-84-231	94.3		98-06-54	299.8	81.17	CLEAR
Filing window 07/10-08/20/87 **CLOSED**								
NEW	APP	PARITY RADIO CORPORATION	232A	3	37-29-28	125.1	161.2	75
KINGMAN		KS 88077MB	94.3	100	98-10-23	306.0	86.22	CLEAR
KSKL	LIC	KFLA INCORPORATED	233C1	100	38-31-35	2816	110.8	82
SCOTT CITY		KS BLH-810219AF	94.5	107	100-54-42	100.8	28.80	CLEAR
Was KEZU 03/30/90 per FCC release #131 dated 04/06/90;								
Affiliated with KFLA(AM)								
KEBC	LIC	INDEPENDENCE BCG OK CORP	234C	100	35-32-58	147.4	364.4	209
OKLAHOMA CITY		OK BLH-870427KA	94.7	423BT	97-29-50	328.7	155.4	CLEAR
Network: ABC								
KRBG	CP	MEGAHYPE BROADCASTING PA	235C1	100	35-48-56	193.2	286.8	245
CANADIN		TX BPH-890615IF	94.9	170	100-23-35	12.7	41.78	CLEAR
ORDERED FROM 276A; CP Granted 12/28/89 per CC release #20757 dated 01/04/90;								
Was KEZP 08/19/91 per FCC release #165 dated 08/23/91								
KJLT-FM	LIC	TRI-STATE BROADCASTING A	235C1	63	41-09-14	343.6	327.2	245
NORTH PLATTE		NE BLH-790927C	94.9	62	100-46-23	162.9	82.20	CLEAR
Network: CBS; Was KSRZ-FM 11/26/90 per FCC release #148 dated 11/30/90								
KICT-FM	LIC	LAKODUK BROADCASTING COR	236C1	100	37-47-58	107.0	196.4	177
WICHITA		KS BLH821217AK	95.1	274	97-31-58	288.3	19.41	CLEAR
Network: ABC; Was KICT 11/04/86								
KICT-FM	CP	LAKODUK BROADCASTING COR	236C	100	37-47-47	107.1	196.5	209
WICHITA		KS BPH-860123IE	95.1	313BT	97-31-59	288.4	-12.5	SHORT
CP IS HEREBY FORFEITED 3/22/91; Network: ABC; CP Granted 0/05/86;								
Was KICT 11/04/86								
KKAN-FM	LIC	UNIFIED SCHOOL DISTRICT	237A	3	39-47-32	10.0	164.5	75
PHILLIPSBURG		KS BLH-840612CK	95.3	45	99-19-55	190.2	89.53	CLEAR
KDCK	LIC	DODGE CITY BROADCASTING	238C1	100	37-38-28	217.9	97.20	82
DODGE CITY		KS BLH-880209KD	95.5	176	100-20-40	37.4	15.20	CLOSE
Network: CBS; Affiliated with KGNO(AM)								
KVSV-FM	LIC	SOLOMON VALLEY BROADCAST	288C2	50	39-28-09	46.7	185.8	27
BELOIT		KS BLH-910614KE	105.5	135	98-05-37	227.6	158.8	CLEAR
License Granted 01/16/92 per FCC release #21299 dated 01/23/92;								
Affiliated with KVSV(AM)								

EXHIBIT #2B

Larry Waggoner
Wichita, Kansas

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February 25, 1992

FM Spacing study

Title: Rozel, KS
Channel 235C1 (94.9 MHz)

Latitude: 38-20-00
Longitude: 99-40-00

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
ity of License	St	FCC File no.	Freq	EAH-m	Longitude	-from	(km)	(km)
K TTL	CP	WHAM FOR BETTER BCG INC	289C2	50	36-47-06	149.9	198.1	27
ALVA		OK BMPH-870831IE	105.7	150	98-33-01	330.6	171.1	CLEAR
CP Granted 09/20/88								

>> End of channel 235C1 study <<